Amendments to the Claims

1. **(Currently Amended)** An optical disk device comprising:

an optical system for condensing and emitting a light beam to an optical disk having plural data planes at a data-recordable intensity;

a focus error signal detector for detecting a focus error signal corresponding to ~~a~~ respective relative ~~displacement~~ displacements between a focus of the light beam and the plural data planes based on a reflected light from the plural data planes;

a focus controller for matching the focus of the light beam with the plural data planes depending on the focus error signal;

a light intensity controller for controlling an intensity of the light beam; and

~~a focus monitor for monitoring the focus error signal,~~

a monitor for monitoring whether or not the focus of the light beam is located on one of the plural data planes which is to be provided with data recorded on the one of the plural data planes,

wherein the light intensity controller ~~controls~~ reduces the intensity of the light beam to a level at which data cannot be recorded in the optical disk ~~depending on an output of the focus monitor~~ if the monitor judges that the focus of the light beam is not located on the one of the plural data planes.

2. **(Currently Amended)** The optical disk device of claim 1,

wherein the monitor comprises a ~~the~~ focus monitor for monitoring the focus error signal, and

wherein the focus monitor is operable to judge that the focus of the light beam is not located on the one of the plural data planes if detecting a change of the focus error signal corresponding to an increase of a relative displacement between the focus of the light beam and the one of the plural data planes. ~~monitors an increase of an amplitude of the focus error signal, and~~

~~wherein the light intensity controller reduces, depending on the output of the focus monitor, the intensity of the light beam to a level at which data can not be recorded in the optical disk.~~

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3. **(Currently Amended)** ~~An~~ The optical disk device of clam 1, ~~comprising:~~

~~an optical system for condensing and emitting a light beam to an optical disk having plural data planes at a data recordable intensity;~~

~~a focus error signal detector for detecting a focus error signal corresponding to a relative displacement between a focus of the light beam and the data planes based on a reflected light from the data planes;~~

~~a focus controller for matching a focus of the light beam with the data planes depending on the focus error signal;~~

~~a light intensity controller for controlling an intensity of the light beam; and~~

wherein the monitor comprises a reflected light quantity monitor for monitoring a quantity of ~~the reflected~~ light reflected from the one of the plural data planes, and

wherein the reflected light quantity monitor is operable to judge that the focus of the light beam is not located on the one of the plural data planes based on the quantity of the reflected light.

~~wherein the light intensity controller controls the intensity of the light beam depending on an output of the reflected light quantity monitor.~~

4. **(Currently Amended)** The optical disk device of claim 3,

wherein the reflected light quantity monitor is operable to judge that the focus of the light beam is not located on the one of the plural data planes if monitoring ~~monitors~~ a drop of the quantity of the reflected light.~~, and~~

~~wherein the light intensity controller reduces, depending on the output of the reflected light quantity monitor, the intensity of the light beam to a level at which data can not be recorded in the optical disk.~~

5. **(Currently Amended)** ~~An~~ The optical disk device of claim 1, ~~comprising:~~

~~an optical system for condensing and emitting a light beam to an optical disk having plural data planes at a data recordable intensity;~~

~~a focus error signal detector for detecting a focus error signal corresponding to a relative displacement between a focus of the light beam and the data planes based on a~~

~~reflected light from the data planes;~~

~~a focus controller for matching the focus of the light beam with the data planes depending on the focus error signal;~~

~~a light intensity controller for controlling an intensity of the light beam; and~~

wherein the monitor comprises a layer move detector operable to detect whether or not the focus of the light beam moves from the one of the plural data planes to other of the plural data planes, and

wherein the layer move detector is operable to judge that the focus of the light beam is not located on the one of the plural data planes if ~~for~~ detecting that the focus of the light beam moves from the one of the plural data planes to the other of the plural data planes.~~;~~

~~wherein the light intensity controller reduces, depending on an output of the layer move detector, the intensity of the light beam to a level at which data can not be recorded in the optical disk.~~

6. **(Original)** An optical disk device comprising:

an optical system for condensing and emitting a light beam to an optical disk having plural data planes at a data-recordable intensity;

a focus error signal detector for detecting a focus error signal corresponding to a relative displacement between a focus of the light beam and the data planes based on a reflected light from the data planes;

a focus controller for matching the focus of the light beam with the data planes depending on the focus error signal;

a light intensity controller for controlling an intensity of the light beam; and

a layer move controller for moving the focus of the light beam from one of the data planes to other of the data planes;

wherein the light intensity controller reduces the intensity of the light beam to a level at which data can not be recorded in the optical disk, and then, the layer move controller moves the focus of the light beam.

7. **(Currently Amended)** A method for controlling an optical disk drive which includes:

an optical system for condensing and emitting a light beam to an optical disk having plural data planes at a data-recordable intensity;

a focus error signal detector for detecting a focus error signal corresponding to ~~a~~ respective relative ~~displacement~~ displacements between a focus of the light beam and the plural data planes;

a focus controller for matching the focus of the light beam with the plural data planes; and

a light intensity controller for controlling an intensity of the light beam,

said method comprising ~~the steps of~~:

~~detecting the focus error signal based on a reflected light from the data planes; and~~

judging whether or not the focus of the light beam is located on one of the plural data planes which is to be provided with data recorded on the one of the plural data planes; and

reducing the intensity of the light beam to a level at which data cannot be recorded in the optical disk if judging that the focus of the light beam is not located on the one of the plural data planes.

~~controlling the intensity of the light beam depending on the focus error signal.~~

8. **(Currently Amended)** The method of claim 7, further comprising:

monitoring the focus error signal, wherein

said judging comprises judging that the focus of the light beam is not located on the one of the plural data planes if detecting a change of the focus error signal corresponding to an increase of a relative displacement between the focus of the light beam and the one of the plural data planes. ~~wherein said step of controlling the intensity of the light beam comprises the sub-step of reducing the intensity of the light beam to a level at which data can not be recorded in the optical disk when an amplitude of the focus error signal increases.~~

9. **(Currently Amended)** ~~A~~ The method of claim 7, ~~for controlling an optical disk which includes:~~

~~an optical system for condensing and emitting a light beam to an optical disk having plural data planes at a data-recordable intensity;~~

~~a reflected light quantity monitor for monitoring a quantity of a reflected light of the light beam from the data planes;~~

~~a focus controller for matching the focus of the light beam with the data planes; and~~

~~a light intensity controller for controlling an intensity of the light beam,~~

~~said method~~ further comprising ~~the steps of~~:

monitoring ~~the~~ a quantity of ~~the reflected~~ light reflected from the one of the plural data planes, wherein; ~~and~~

said judging comprises judging that the focus of the light beam is not located on the one of the plural data planes if detecting a drop of the quantity of the reflected light. ~~controlling the intensity of the light beam depending on the quantity of the reflected light.~~

10. **(Canceled)**

11. **(Currently Amended)** ~~A~~ The method of claim 7, ~~for controlling an optical disk which includes:~~

~~an optical system for condensing and emitting a light beam to an optical disk having plural data planes at a data-recordable intensity;~~

~~a layer move detector for detecting that a focus of the light beam moves from one of the data planes to other of the data planes;~~

~~a focus controller for matching the focus of the light beam with the data planes; and~~

~~a light intensity controller for controlling an intensity of the light beam,~~

~~said method~~ further comprising ~~the steps of~~:

detecting whether or not ~~that~~ the focus of the light beam moves from the one of the plural data planes to other of the plural data planes, wherein; ~~and~~

said judging comprises judging that the focus of the light beam is not located on the one of the plural data planes if detecting that the focus of the light beam moves from the one of the plural data planes to the other of the plural data planes. ~~reducing an~~

~~intensity of the light beam to a level at which data can not be recorded in the optical disk when it is detected that the focus of the light beam moves at said step of detecting that the focus of the light beam moves.~~

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12. **(Original)** A method for controlling an optical disk which includes:

an optical system for condensing and emitting a light beam to an optical disk having plural data planes at a data-recordable intensity;

a focus controller for matching a focus of the light beam with the data planes;

a layer move controller for moving the focus of the light beam from one of the data planes to other of the data planes; and

a light intensity controller for controlling an intensity of the light beam,

said method comprising the steps of:

reducing the intensity of the light beam to a level at which data can not be recorded in the optical disk; and

then, moving the focus of the light beam from one of the data planes to other of the data planes.